

How to Create Efficiencies Through Process Improvements

Some law departments and litigation functions have implemented comprehensive approaches to partnering with their law firms, arising from a systematic examination of most or all aspects of managing legal challenges from the beginning of a matter or case to its final results and disposition.

While practicing law is truly more of an art than science, it is also true that there are myriad business processes that are inherently utilized to achieve the desired legal and business goals of a case or matter. Often, these processes develop over time and incorporate activities that are unnecessary, wasteful and sometimes distracting.

A growing majority of business clients expect law departments to develop, implement and refine these processes to create efficiencies and improve results. The application of Six Sigma and ISO 9000 techniques demonstrate how dramatically costs can be reduced and results improved when lawyers focus on streamlining basic processes.

A partial list of these processes includes the following:

- Select the right outside attorney and firm for the matter or case;
- Identify client's goals and desired results for the case or matter;
- Gather legal research, evidence and relevant facts to assess the case;
- Identify case strategy alternatives and decisions regarding the strategy to be implemented;
- Manage the discovery process;
- Communicate and collaborate with business clients in decision making; and so on through the matter or case.

Each of these processes and related steps typically require the involvement of both inside and outside counsel in varying proportions. As some law departments view it, an expanded view of partnering creates the opportunity to closely examine the roles, responsibilities and activities of inside and outside attorneys with an eye toward ensuring that:

- The roles of each are thoughtfully designed to optimize their contribution to the efficient and successful outcome of the case;
- The activities of each are focused on avoiding low-yield activities while concentrating resources on high-yield activities;
- The inside and outside legal staff operate as part of one community of legal professionals smoothly implementing a seamless, team approach to the case ("network model"), in contrast to the customer-vendor role play that typifies the traditional approach ("hub and spoke model").

Steps to Focus Case or Matter Teams on Developing Process Improvements

- To build enthusiasm for improvements, assign the inside and outside attorneys working on similar cases or matters to work together to develop improvements specifically for the cases or matters they are working on together, rather than on general improvements for the law department as a whole. These "natural" teams can then work collaboratively on their matters to develop better techniques to address each phase in the project. These teams jointly develop and pool legal research, motion briefs, checklists, trial materials and settlement concepts, and then test and refine them.
- At one healthcare products company, for example, inside and outside counsel participate in joint case analysis to pool expertise and insights about the best way to assess and manage major cases.
- At another company, the team handling employment cases around the country have completed a year-long effort to reengineer the way they manage their cases and found many ways to streamline their planning, improve their briefs and motions, and anticipate the tactics of opposing counsel.
- Challenge the teams to achieve a specific goal, say a 20% reduction in the time and resources necessary to complete a typical matter or case. Why a specific goal? Because this focuses attention on the incremental changes that will aggregate to the total goal.
 - For example, if the typical matter takes 300 hours of time, the 20% reduction goal would be 60 hours. With this, the team then looks to eliminate some steps and reduce others -- five hours here, ten hours there -- to get to the specific target of 60 hours. The specific goal enables the team to have a definition of what success is. Otherwise, if one simply tells them to "create efficiencies," the team isn't sure it has been successful even if the result might actually be more than the 20% you had in mind.

Key Points

- It is easy to keep doing things the same way even when these ways aren't very effective. Department leadership needs to challenge the legal teams to seize opportunities for improvement -- and reward them when they do.
- Challenge the inside and outside lawyers working on similar matters or cases to work together to streamline the way they manage their matters or cases.
- Host meetings and events designed to improve the personal and working relationships among geographically dispersed people who have to work together efficiently as a team to manage your matters and cases. Include the "behind-the-scenes" people who are vital to the results of the team.